

UNITED STATES DISTRICT COURT

for the

MIDDLE District of NORTH CAROLINA

Division



Case No.

1:22-cv-287
(to be filled in by the Clerk's Office)

MARTIN RUSSELL DIAMOND

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

"SEE ATTACHED"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name MARTIN RUSSELL DIAMOND
 All other names by which
 you have been known: MARTIN SHELLEY
 ID Number 1324877
 Current Institution SCOTLAND CORRECTIONAL INSTITUTION
 Address 22385 MCGIRT'S BRIDGE ROAD
LAURINBURG NC 28352
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name ODEDERE
 Job or Title (*if known*) UNIT MANAGER IV
 Shield Number _____
 Employer N.C. DEPT. OF PUBLIC SAFETY - SOUTHERN C.I.
 Address 272 GLEN ROAD
TROY N.C. 27371
City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name EUOTE
 Job or Title (*if known*) OFFICER
 Shield Number _____
 Employer N.C. DEPT. OF PUBLIC SAFETY - SOUTHERN C.I.
 Address 272 GLEN ROAD
TROY N.C. 27371
City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 3

Name CRISCO
 Job or Title (if known) SERGEANT
 Shield Number _____
 Employer N.C. DEPT. OF PUBLIC SAFETY - SOUTHERN C.I.
 Address 272 GLEN ROAD
TROY N.C. 27371
City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name PARKER
 Job or Title (if known) OFFICER
 Shield Number _____
 Employer N.C. DEPT. OF PUBLIC SAFETY - SOUTHERN C.I.
 Address 272 GLEN ROAD
TROY N.C. 27371
City State Zip Code
☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1) 8TH AMENDMENT VIOLATIONS - (CRUEL & UNUSUAL PUNISHMENTS INFLICTED, EXCESSIVE FORCE & FAILURE TO INTERVENE)
 2) CLAIMS UNDER N.C. LAW FOR “ASSAULT & BATTERY” (28 U.S.C. SECTION 1367.)
 - DEFENDANT ODEDERE -

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

"SEE ATTACHED ADDITIONAL PAGE"

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

SOUTHERN CORRECTIONAL INSTITUTION
MONTGOMERY COUNTY, 272 GLEN RD. TROY, N.C. 27371
ENGLAND HOUSING UNIT CELL BLOCK "B" 1635 4/12/21

C. What date and approximate time did the events giving rise to your claim(s) occur?

APRIL 12TH, 2021 AT APPROXIMATELY 1635

D. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

"SEE ATTACHED PAGES"

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

"SEE ATTACHED PAGES"

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

"SEE ATTACHED PAGES"

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

SOUTHERN CORRECTIONAL INSTITUTION

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

SOUTHERN CORRECTIONAL INSTITUTION - 272 GLEN RD. TROY, N.C. 27371

2. What did you claim in your grievance?

UNIT MANAGER ODEDERE USED EXCESSIVE FORCE AGAINST ME

3. What was the result, if any?

NO RESULTS, AT THIS TIME

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

APPEALED THRU FINAL STEP; GRIEVANCE PROCESS COMPLETED

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) MARTIN RUSSELL DIAMOND

Defendant(s) NORTH CAROLINA DEP'T OF PUBLIC SAFETY

2. Court *(if federal court, name the district; if state court, name the county and State)*

NORTH CAROLINA INDUSTRIAL COMMISSION

3. Docket or index number

TA FILE NO.: 29431

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

8/1/21 APPROXIMATELY

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

10/1/21 APPROXIMATELY

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

DISMISSED - RULE 12(b)(1) - NO JURISDICTION: INTENTIONAL TORT

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

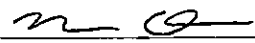
IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4.7.22

Signature of Plaintiff 
Printed Name of Plaintiff MARTIN DIAMOND
Prison Identification # 1324877
Prison Address 22385 MCGIRT'S BRIDGE RD
LAUREL BURG NC 28353
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Address _____

City State Zip Code
Telephone Number _____
E-mail Address _____

MR MARTIN RUSSELL DIAMOND 01-24-1071
SCOTLAND CORRECTIONAL INSTITUTION
22335 MCGIRT'S BRIDGE ROAD
LAURINBURG, NC 28353
PLAINTIFF, PRO SE

"SEE ATTACHED" DEFENDANTS

1) UNIT MANAGER ODEDERE

2) OFFICER EUOTE

3) SERGEANT CRISCO

4) OFFICER PARKER

MR. MARTIN RUSSELL DIAMOND OPUS #1324871
SCOTLAND CORRECTIONAL INSTITUTION
22385 MCGIRT'S BRIDGE ROAD
-AURINBURG, NC 28353
PLAINTIFF, PRO SE

II. BASIS FOR JURISDICTION - D.

DEFENDANT ODEDERE AT ALL TIMES RELEVANT TO THIS ACTION WAS
EMPLOYED BY THE STATE OF NORTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY AS A UNIT MANAGER AT SOUTHERN CORRECTIONAL INSTITUTION,
MONTGOMERY COUNTY, 272 GLEN RD. TROY, N.C 27371. AS UNIT
MANAGER, DEFENDANT ODEDERE WAS THE HIGHEST AUTHORITY ON THE
HOUSING UNIT, CHARGED WITH THE CUSTODY AND CARE OF THE PLAINTIFF. AT
ALL TIMES RELEVANT TO THIS COMPLAINT, UNIT MANAGER ODEDERE ACTED
UNDER THE COLOR OF STATE LAW.

DEFENDANT EUOTE AT ALL TIMES RELEVANT TO THIS ACTION WAS
EMPLOYED BY THE STATE OF NORTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY AS AN OFFICER AT SOUTHERN CORRECTIONAL INSTITUTION.
DEFENDANT EUOTE WAS AN OFFICER ASSIGNED TO THE ENGLAND

MR. MARTIN RUSSELL DIAMOND OPUS #1324877
SCOTLAND CORRECTIONAL INSTITUTION
22385 MCGIRT'S BRIDGE ROAD
LAURINBURG, NC 28353
PLAINTIFF, PRO SE

HOUSING UNIT. AT ALL TIMES RELEVANT TO THIS COMPLAINT, OFFICER

CRISCO ACTED UNDER THE COLOR OF STATE LAW.

DEFENDANT CRISCO AT ALL TIMES RELEVANT TO THIS ACTION WAS

EMPLOYED BY THE STATE OF NORTH CAROLINA DEPARTMENT OF PUBLIC

SAFETY AS A SERGEANT AT SOUTHERN CORRECTIONAL INSTITUTION.

DEFENDANT CRISCO WAS THE SERGEANT ASSIGNED TO THE ENGLAND

HOUSING UNIT. AT ALL TIMES RELEVANT TO THIS COMPLAINT, SERGEANT

CRISCO ACTED UNDER THE COLOR OF STATE LAW.

DEFENDANT PARKER AT ALL TIMES RELEVANT TO THIS ACTION WAS

EMPLOYED BY THE STATE OF NORTH CAROLINA DEPARTMENT OF PUBLIC

SAFETY AS AN OFFICER AT SOUTHERN CORRECTIONAL INSTITUTION.

DEFENDANT PARKER WAS AN OFFICER ASSIGNED TO THE ENGLAND

HOUSING UNIT. AT ALL TIMES RELEVANT TO THIS COMPLAINT, OFFICER

Mr. MARTIN RUSSELL DIAMOND OPUS #1324877
SCOTLAND CORRECTIONAL INSTITUTION
2385 MCGIRT'S BRIDGE ROAD
AURINBURG, NC 28353
PLAINTIFF, PRO SE

PARKER ACTED UNDER THE COLOR OF STATE LAW.

EACH DEFENDANT IS SUED IN THEIR INDIVIDUAL CAPACITY, JOINTLY
AND SEVERALLY, FOR THEIR ACTS AND OMISSIONS. AT ALL TIMES
RELEVANT TO THIS COMPLAINT, EACH DEFENDANT ACTED UNDER THE
COLOR OF STATE LAW.

IN RE: MARTIN RUSSELL DIAMOND OFAS #121011
COTLAND CORRECTIONAL INSTITUTION
2385 MCGIRT'S BRIDGE ROAD
AURINBURG, NC 28353
PLAINTIFF, PRO SE

IV. STATEMENT OF CLAIM - PART D

AROUND 1635 ON APRIL 12, 2021 AT SOUTHERN CORRECTIONAL INSTITUTION DEFENDANTS PARKER AND QUOTE WERE SERVING THE DINNER MEAL INSIDE OF CELL BLOCK "B" OF THE ENGLAND HOUSING UNIT. DEFENDANTS ARRIVED AT THE CELL OF MARTIN DIAMOND, THE PLAINTIFF, AND SERVED THE MEAL. AT THAT TIME THE PLAINTIFF REQUESTED A BAR OF SOAP AND REQUESTED TO SPEAK WITH THE HOUSING UNIT SERGEANT, DEFENDANT CRISCO, IN REGARDS TO RECIEVING ASSISTANCE IN BEING ISSUED A REPLACEMENT ID CARD.

DEFENDANT PARKER RELAYED THE PLAINTIFF'S REQUEST VIA RADIO TO DEFENDANT CRISCO, WHO DECLINED TO BE OF AID. PLAINTIFF AFTER BEING INFORMED BY DEFENDANT PARKER OF THE HOUSING UNIT SERGEANT'S DECISION REQUESTED DEFENDANT PARKER CONTACT THE OFFICER-IN-CHARGE (ALSO KNOWN AS O.I.C - THE ADMINISTRATOR OVER THE DAY TO DAY PRISON FUNCTIONS) FOR AID.

1. DEFENDANT PARKER RESPONDED "CLOSE UP FOOD TRAP OR GET PEPPER SPRAYED FOR SLOWING DOWN FEEDING". PLAINTIFF REPEATED THE REQUEST FOR O.I.C ASSISTANCE AND ASKED DEFENDANT PARKER "YOU ARE GOING TO SPRAY ME?". DEFENDANT PARKER RESPONDED "YES" THEN PROCEEDED TO PEPPER SPRAY THE PLAINTIFF'S FACE CAUSING PAIN, SUFFERING, PHYSICAL INJURY AND EMOTIONAL DISTRESS. DEFENDANT EUOTE WAS PRESENT.

1. DEFENDANT PARKER INFORMS THE UNIT SERGEANT THAT PEPPER SPRAY/USE OF FORCE INCIDENT HAD OCCURRED. DEFENDANT CRISCO ENTERS THE CELL BLOCK APPROACHING DEFENDANTS PARKER AND EUOTE. DEFENDANT CRISCO SPOKE WITH DEFENDANT PARKER STATING THAT IS NOT HOW WE TREAT PEOPLE.

2. DEFENDANT CRISCO AND THE PLAINTIFF CONVERSE. DEFENDANT CRISCO TELLS THE PLAINTIFF HELP WILL BE GIVEN. PLAINTIFF THANKED DEFENDANT CRISCO FOR THE HELP AND PROFESSIONAL CONDUCT. DEFENDANT CRISCO

M. MARTIN RUSSELL DIAMOND UPUS H1324011
COTLAND CORRECTIONAL INSTITUTION
2385 MCGIRT'S BRIDGE ROAD
AURINBURG, NC 28353
PLAINTIFF, PRO SE

EXITS THE CELL BLOCK. DEFENDANT PARKER LEAVES THE PLAINTIFF'S
CELL AREA. THE PLAINTIFF WAITS AT THE FOOD TRAP FOR THE PROMISED
FOOD: A SOAP BAR AND ASSISTANCE IN BEING ISSUED A REPLACEMENT ID CARD.
DEFENDANT ODERERE, THE UNIT MANAGER, THE HIGHEST AUTHORITY ON THE
ENGLAND HOUSING ENTERS CELL BLOCK "B". DEFENDANT ODERERE APPROACHES
THE PLAINTIFF'S CELL AREA AND IMMEDIATELY PEPPER SPRAYS THE PLAINTIFF
IN THE FACE CAUSING PAIN, SUFFERING, PHYSICAL INJURY AND EMOTIONAL DISTRESS.
1. DEFENDANT ODERERE ORDERS THE PLAINTIFF TO REMOVE HANDS OFF THE
FOOD TRAP. THE PLAINTIFF ASKS FOR THE OFFICER-IN-CHARGE. DEFENDANT
ODERERE DOESN'T ACKNOWLEDGE THE PLAINTIFF'S REQUEST FOR
ADMINISTRATIVE ASSISTANCE.
3. PLAINTIFF TELLS DEFENDANTS ODERERE AND EUOTE THAT THE DINNER
TRAY HAS PEPPER SPRAY ON IT AND NEEDS TO BE REPLACED. PLAINTIFF

MR. MARTIN RUSSELL DIAMOND OPUS#1324877
LOTLAND CORRECTIONAL INSTITUTION
2385 MCGIRT'S BRIDGE ROAD
AURINBURG, NC 28353
PLAINTIFF, PRO SE

REMOVES A HAND, GRABS THE TRAY AND TOSSES IT OUT OF THE CELL FOOD TRAP.

DEFENDANTS ODEDERE AND EUOTE PEPPER SPRAY THE PLAINTIFF AND BEGIN TO SLAM

THE FOOD TRAP AGAINST THE PLAINTIFF'S HANDS MULTIPLE TIMES CAUSING PAIN,

SUFFERING, PHYSICAL INJURY AND EMOTIONAL DISTRESS.

DEFENDANTS RELENT. PLAINTIFF REPEATS D.I.C REQUEST. DEFENDANT ODEDERE

BEGINS TO BRUTALLY STRIKE THE PLAINTIFF WITH AN EXPANDABLE BATON. UPON

INFORMATION AND BELIEF DEFENDANT ODEDERE'S BATON STRIKES LASTED 50

SECONDS NON-STOP WITH APPROXIMATELY 40 STRIKES CAUSING BROKEN BONES

REQUIRING SURGERY, PAIN, SUFFERING, PHYSICAL INJURIES, AND EMOTIONAL

DISTRESS. UPON INFORMATION AND BELIEF DEFENDANTS EUOTE AND CRISCO

PRESENT.

10. DEFENDANT ODEDERE STOPS THE USE OF FORCE. PLAINTIFF ASKS DEFENDANT

ODEDERE "WHAT NEEDS TO BE DONE TO RESOLVE THE SITUATION, MEDICAL ATTENTION

S NEEDED". DEFENDANT ODEDERE RESPONDS "STAFF WOULD HAVE TO BE CALLED, HANDCUFFS WOULD NEED TO BE APPLIED AND THEN MEDICAL DEPARTMENT COULD BE VISITED.

1. PLAINTIFF TELLS DEFENDANT ODEDERE "OKAY". DEFENDANT ODEDERE CALL STAFF, PLAINTIFF HANDCUFFS, AND THEN THE PLAINTIFF'S LOCKED DOOR IS INSECURED. PLAINTIFF IS ESCORTED DOWN A FLIGHT OF STAIRS BY STAFF. DUE TO THE PLAINTIFF'S INABILITY TO SEE FROM THE USE OF FORCE A DETOUR FROM THE MEDICAL DEPARTMENT TO THE DECONTAMINATION SHOWER S NEEDED.

2. MEDICAL DEPARTMENT VISITED. 2 NURSES ASSESSED THE PLAINTIFF. DUE TO SEVERITY OF INJURIES VISIBLE HOSPITAL IS NEEDED. 2 SERGEANTS PHOTOGRAPH THE PLAINTIFF'S INJURIES. PLAINTIFF IS TRANSPORTED TO HOSPITAL WITHOUT RESTRAINTS WHERE X-RAYS WERE CONDUCTED, X-RAYS

REVEALED A BONE BREAK. SPLINT WAS APPLIED. SURGERY WAS SCHEDULED. PLAINTIFF
WAS RETURNED TO SOUTHERN CORRECTIONAL INSTITUTION. O.I.C. TAKES THE
PLAINTIFF'S USE OF FORCE/INCIDENT REPORT STATEMENT. O.I.C. ASSISTS
THE PLAINTIFF WITH GETTING THE REPLACEMENT ID CARD (O.I.C. PRINTS CARD OUT)
AND BAR OF SOAP.

LEGAL CLAIMS

3. DEFENDANT PARKER USE OF PEPPER SPRAY WAS AN EXCESSIVE,
DISPROPORTIONATE USE OF FORCE. THAT FORCE WAS MALICIOUSLY
APPLIED AS PUNISHMENT. THE PUNISHMENT FOR "SLOWING DOWN"
THE DEFENDANT. THAT FORCE CAUSED INJURY. DEFENDANT PARKER'S
USE OF FORCE VIOLATED PLAINTIFF DIAMOND'S RIGHTS AND
CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH
AMENDMENT OF THE UNITED STATES CONSTITUTION.

4. DEFENDANT EUOTE FAILED TO INTERVENE DURING DEFENDANT PARKER'S EXCESSIVE USE OF FORCE. DEFENDANT EUOTE KNEW THAT THE PLAINTIFF'S CONSTITUTIONAL RIGHT WAS BEING VIOLATED. DEFENDANT EUOTE HAD THE TIME AND DUTY TO INTERVENE. THE CHOICE TO STANDBY WHILE THIS VIOLATION OCCURRED LEAD TO THE PLAINTIFF BEING INJURED. THIS VIOLATED PLAINTIFF DIAMOND'S RIGHTS AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

5. DEFENDANT EUOTE USAGE OF THE FODD TRAP TO SMASH THE PLAINTIFF'S HANDS WAS AN EXCESSIVE USE OF FORCE. THAT FORCE WAS APPLIED MALICIOUSLY AND SADISTICALLY. THE EXCESSIVE USE OF FORCE CAUSED INJURY. THIS VIOLATED PLAINTIFF DIAMOND'S RIGHT AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH

MR. MARTIN RUSSELL DIAMOND OFCS #1527811
SCOTLAND CORRECTIONAL INSTITUTION
22385 MCGIRT'S BRIDGE ROAD
AURINBURG, NC 28353
PLAINTIFF, PRO SE

AMENDMENT OF THE UNITED STATES CONSTITUTION.

16. DEFENDANT EUOTE FAILED TO INTERVENE DURING DEFENDANT ODEDERE'S BATON STRIKES AGAINST THE PLAINTIFF. DEFENDANT EUOTE KNEW THE PLAINTIFF'S RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT WAS BEING VIOLATED. DEFENDANT HAD THE TIME AND DUTY TO INTERVENE. THE DEFENDANT'S CHOICE NOT TO DO SO LEAD TO THE PLAINTIFF BEING INJURED. THIS VIOLATED PLAINTIFF DIAMOND'S RIGHT AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

17. DEFENDANT ODEDERE'S FIRST PEPPER SPRAY USE WAS AN EXCESSIVE, DISPROPORTIONATE USE OF FORCE. THAT FORCE WAS UNNECESSARILY AND MALICIOUSLY APPLIED. DEFENDANT ODEDERE INTENT WAS TO HARM. THAT WAS SHOWN THRU HIS LACK OF AN ATTEMPT TO COMMUNICATE OR

MR. MICHAEL ROBERT DIXON JR. #124011
SCOTLAND CORRECTIONAL INSTITUTION
22385 MCGIRT'S BRIDGE ROAD
AURINBURG, NC 28353
PLAINTIFF, PRO SE

MITIGATE BEFORE USING FORCE ON THE PLAINTIFF. THAT EXCESSIVE
USE OF FORCE CAUSED INJURY. DEFENDANT ODEDERE'S USE OF FORCE
VIOLATED THE PLAINTIFF'S RIGHTS AND CONSTITUTED CRUEL AND
UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT OF THE UNITED
STATES CONSTITUTION.

8. DEFENDANT ODEDERE'S BATON STRIKES WAS AN EXCESSIVE,
DISPROPORTIONATE USE OF FORCE. THE FORCE WAS APPLIED SADISTICALLY
AND MALICIOUSLY. THIS IS CLEARLY SHOWN BY THE DURATION OF THE
STRIKES, THE INTENSITY OF THE STRIKES, THE NUMBER OF STRIKES AND
THE DEFENDANT'S USE OF TARGETED STRIKES TO INFLICT AS MUCH PAIN
AND DAMAGE POSSIBLE. THE PLAINTIFF WAS SECURED BEHIND A LOCKED
DOOR, POSING NO THREAT, NEITHER WAS THE PLAINTIFF ATTEMPTING AN
ESCAPE OR ACTIVELY RESISTING AN ARREST. THE PLAINTIFF WAS

THE PLAINTIFF ROYCE L. DIAMOND OF NO 71248 / 1
SCOTLAND CORRECTIONAL INSTITUTION
12385 MCGIRT'S BRIDGE ROAD
AURINBURG, NC 28353
PLAINTIFF, PRO SE

SEVERELY INJURED FROM THE EXCESSIVE USE OF FORCE. THAT FORCE
OF AN EXCESSIVE NATURE VIOLATED PLAINTIFF DIAMOND'S RIGHTS
AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE
EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

9. DEFENDANT CRISCO FAILED TO INTERVENE DURING DEFENDANT
DDEDERE'S BATON STRIKES AGAINST THE PLAINTIFF DESPITE
KNOWING THAT THE PLAINTIFF'S CONSTITUTIONAL RIGHT TO BE FREE
FROM CRUEL AND UNUSUAL PUNISHMENT WAS BEING VIOLATED. THE
DEFENDANT HAD THE TIME AND DUTY TO STOP THE EXCESSIVE FORCE
BEING USED ON THE PLAINTIFF BUT CHOOSE NOT TO. THIS FAILURE TO
INTERVENE LEAD TO THE PLAINTIFF BEING INJURED. THIS VIOLATED
PLAINTIFF DIAMOND'S RIGHT AND CONSTITUTED CRUEL AND UNUSUAL
PUNISHMENT UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES

SCOTLAND CORRECTIONAL INSTITUTION
2385 MCGIRT'S BRIDGE ROAD
LAURINBURG, NC 28353
PLAINTIFF, PRO SE

CONSTITUTION.

VERIFICATION

HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE
MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON
INFORMATION AND BELIEF, AND, AS TO THOSE, I BELIEVE THEM TO BE
TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED AT LAURINBURG, NC ON APRIL 3, 2022

Martin Russell Diamond

MARTIN RUSSELL DIAMOND

THE MARTIN ROSELL DIAMOND OPM #1327811
SCOTLAND CORRECTIONAL INSTITUTION
22385 MCGIRT'S BRIDGE ROAD
AURINBURG, NC 28353
PLAINTIFF, PRO SE

V. INJURIES

* BROKE RIGHT INDEX FINGER, REQUIRED SURGERY - METAL PLATE, 6 SCREWS INSERTED

LOSS OF RIGHT INDEX FINGER'S RANGE OF MOTION AND FLEXIBILITY - PHYSICAL

THERAPIST REQUIRED

ARM CONTUSIONS, EXTENSIVE SWELLING AND BRUISING OF HANDS

RESPIRATORY PROBLEM

EYE IRRITATION - BLINDNESS FOR A TIME

HAND PAIN - DOCTOR, NURSES, PHYSICAL THERAPIST STATED MIGHT BE LIFE LONG ISSUE

QUALITY OF LIFE - LOSS OF ABILITY TO PLAY SPORT (FOOTBALL, BASKETBALL), USE

INSTRUMENT, HYGIENE PROPERLY (HOLD TOOTHBRUSH, HAIRBRUSH) WITHOUT ISSUE

MENTAL - ANXIETY AND DEPRESSION ISSUES, SLEEP TROUBLE

LOSS OF ABILITY TO FULLY CLOSE RIGHT HAND - PERMANENT DISABILITY

VI. RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGMENT:

ISSUING DECLARATORY RELIEF, DECLARING THAT THE ACTS AND OMISSIONS DESCRIBED VIOLATED THE PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION.

1. GRANTING PLAINTIFF COMPENSATORY DAMAGES IN THE AMOUNT OF \$125,000 AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY.

2. GRANTING PLAINTIFF PUNITIVE DAMAGES IN THE AMOUNT OF \$50,000 AGAINST DEFENDANT PARKER

3. GRANTING PLAINTIFF PUNITIVE DAMAGES IN THE AMOUNT OF \$400,000 AGAINST DEFENDANT EUOTE

4. GRANTING PLAINTIFF PUNITIVE DAMAGES IN THE AMOUNT OF \$1,550,000 AGAINST DEFENDANT ODEDERE

5. GRANTING PLAINTIFF PUNITIVE DAMAGES IN THE AMOUNT OF \$250,000

MR. MARTIN RUSSELL DIAMOND
COTLAND CORRECTIONAL INSTITUTION
2385 MCGIRT'S BRIDGE ROAD
LAURINBURG, NC 28353
PLAINTIFF, PRO SE

AGAINST DEFENDANT CRISCO.

1. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.

3. PLAINTIFF'S COST IN THIS SUIT.

1. ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, AND EQUITABLE.

RESPECTFULLY SUBMITTED APRIL 3, 2022

22385 MCGIRT'S BRIDGE ROAD, LAURINBURG, NC 28353

Martin Russell Diamond

MARTIN RUSSELL DIAMOND

Certificate of Acknowledgement

State of North Carolina

County of Scotland

On 4/7/22 before me Sherry S. Townsend, personally appeared,
(date) (notary)

Martin Russell Diamond (signers) MARTIN RUSSELL DIAMOND

☐

Personally know to me - OR -

☒

Proved to me on the basis of satisfactory evident to be the person (s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal

Certification For;

United States District Court
for the middle District
of N.C.

(seal)



Sherry S. Townsend
(notary signature)

My commission expires on

5/15/2024